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TELEGRAM

April 25, 2004

To: No Action Addressee  
Action: Unknown  
From: AMEMBASSY ABU DHABI (ABU DHABI 1289 - ROUTINE)  
TAGS: ELAB, PHUM, PGOV, PREL, SOCI, CVIS  
Captions: None  
Subject: UAE LABOR CONDITIONS UPDATE  
Ref: None

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UNCLAS ABU DHABI 01289

SIPDIS  
CXABU:  
ACTION: POL  
INFO: RSO AMB DCM P/M ECON

DISSEMINATION: POL  
CHARGE: PROG

APPROVED: CDA:RALBRIGHT  
DRAFTED: ECON:HALGHAZOU POL:S  
CLEARED: ECON:OJOHN POL:JMAYBURY POL/ECON:MCARVER

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FM AMEMBASSY ABU DHABI  
TO RUEHC/SECSTATE WASHDC 4101  
INFO RUEHDI/AMCONSUL DUBAI 3958  
RUCPDOC/USDOC WASHDC  
RUEHC/DEPT OF LABOR WASHDC  
RUEHZM/GCC COLLECTIVE

UNCLAS SECTION 01 OF 04 ABU DHABI 001289

SIPDIS

STATE FOR NEA/ARP, NEA/RA, DRL AND EB/CBA  
STATE PASS OPIC/OPIC INTERNATIONAL POLICY DEPARTMENT FOR  
VIRGINIA GREEN AND CONSTANCE SHINN  
STATE PASS USTR JASON BUNTIN  
USDOC FOR ITA/MAC

E.O. 12958: N/A  
TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [PREL](#) [SOCI](#) [CVIS](#) [GTIP](#) [TC](#)  
SUBJECT: UAE LABOR CONDITIONS UPDATE

1. SUMMARY: Following is an update of UAE labor issues in March and early April. Topics include: an update of the proposed labor law; discussions of working conditions for domestic servants; an inter-ministry proposal to create a nation-wide labor court system; employer/employee disputes reported in the press; "blacklisting" companies in Dubai; lack of interpreters at MOL; occupational hazards in the construction sector; and recent government actions affecting workers. END SUMMARY.

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¶2. MOL Labor Advisor Yousif Gaffar Al Noor told Poloff in late March that the proposed labor law remains with the Federal Supreme Council, with an estimated completion date of June or July. Al Noor confirmed that the amendments covering collective bargaining and association are now completed and have been forwarded to a technical committee for further review. This technical committee, comprised of representatives from the Ministries of Labor, Interior, Justice, and Foreign Affairs, as well as the Chamber of Commerce and other professional associations, will take approximately a month to review the amendments, after which time they will be included with the proposed labor law at the Federal Supreme Council. Al Noor added that the technical committee is also considering the ratification of ILO Conventions 87 and 98. The MOL and ILO worked together for about two years to draft the proposed labor law, and continue to meet regularly. Labor Undersecretary Khalid Al Khazraji told Poloff in late February that all major ILO concerns have been pointed out to him and are either addressed in the draft law or in the amendments. In the April 13 "Gulf News," Khazraji said that the number of expatriate workers reached 2.5 million, and the MOL issued half a million employment visas in 2003.

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DOMESTIC SERVANTS

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¶3. Post has noticed increased media coverage highlighting working conditions for domestic servants. Housemaids do not require labor permits, and are not protected by the labor law. Instead, they enter the country under the direct sponsorship of their employers, and disputes are handled by the Ministry of Interior's (MOI) Naturalization and Residency Department. While regulations currently require domestic servants and their employers to sign contracts and submit them to the MOI, media reports and Embassy contacts state that, in practice, this requirement is often ignored. When contracts are produced, they often are too vague to offer real protection to the workers, or the terms of the contract are ignored after a few months on the job.

¶4. In the April 10 issue of "Gulf News," MOI Director General of the Directorate of Naturalization and Residency, Brigadier Hadher Al Muhairi, said that the MOI was creating a standard contract, stipulating wages, working conditions, and all benefits and/or required fees, to regulate the relationships between housemaids, farmers, and chauffeurs and their sponsors. Al Muhairi said the MOI will also require an additional contract between sponsors and recruitment agents, if used. The contracts will stipulate a paid, three-month probation period, and the full terms of the contract will kick in only after the worker successfully completes this probation. Disputes arising between employers and employees will continue to be referred to the MOI's Naturalization and Residency Department for mediation, followed by a court of law if settlement can't be reached. Workers will lose all benefits and protections under their contracts if they abscond from the job.

¶5. On March 4, "Gulf News" reported a roundtable discussion of international scholars and UAE sociologists who stressed the need to bring housemaids under the umbrella of the updated labor law. While acknowledging that domestic workers do not come under the labor laws of many countries, they said that the Gulf region must change its mindset towards servants from the "Mueel" (guardian, or part of the family) perspective to the "Kafala" (sponsor) paradigm. During Poloff's last few conversations with Undersecretary of Labor Dr. Khalid Al Khazraji, he said that the revised labor law would likely not include protections for domestic servants. However, the MOL is aware that more needs to be done to protect the rights of housemaids, and is looking into ways to do so.

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LABOR COURTS  
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¶16. In another "Gulf News" report on April 10, Minister of Labor and Social Affairs Matar Humaid Al Tayer explained that the Ministries of Labor and Justice are working together to create a nation-wide labor court system to resolve labor problems, primarily complaints by workers of unpaid wages, more quickly. Al Tayer said that, while no timetable is set for the creation of the court system, it would be established "soon" in order to cut the increasing number of complaints filed by workers.

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STRIKES AND DISPUTES  
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¶17. The media reported several labor disputes between expatriate workers in the construction sector and their employers in March. In Dubai, 2,930 workers from different companies stopped working to protest non-payment of salaries for several months. Negotiations yielded a settlement, whereby some companies promised to pay on an installment basis.

¶18. In one case, over 2,000 workers stopped work to protest unpaid wages. They marched toward the Dubai Labor Office, but the police turned them away. Another 100 construction workers attacked the site engineer and damaged equipment at the site. Reportedly, this was the seventh time they had approached the MOL in the last eight months to complain of unpaid wages. The Labor Relations Department assured the workers that they would receive the first installment of their back wages on March 20. But the workers again approached the Labor Ministry after the employer failed to honor the agreement.

¶19. Another publicized dispute involved 73 Moroccan workers who entered the UAE on visit visas, then went to work for an interior decorator. The workers filed a complaint with the MOL for non-payment of two months of wages and for delayed issuance of work visas. Undersecretary for Labor Dr. Khalid Al Khazraji determined that, since the workers breached the labor law by working after entering the country on visit visas, their claim was invalid. The MOL turned the case over to the MOI's Department of Residence and Naturalization to review the immigration violation.

¶10. On April 6, over 40 teachers from the Ras Al Khaimah educational zone filed a complaint with the Ministry of Education and Youth stating that evening staff and teachers had not been paid for three months. They have threatened to quit working before the end of the academic year if their salaries are not paid soon.

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WAGE PROTECTION  
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¶11. The problem of non-payment of salaries continues to persist in the UAE despite the MOL's decision last year to require contracting companies that employ 200 or more workers (amended later to companies that employ 50 or more workers) to submit regular wage statements. Ministry sources stated that around 80% of these firms have not complied with the mandate and have been "blacklisted" by the MOL, which prevents the firms from further dealings with the Ministry and from applying for visas for additional workers. In March alone, the Ministry blacklisted 100 firms in Dubai for violating the new regulation. Firms are removed from the blacklist once they come into compliance with regulations.

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LANGUAGE BARRIERS  
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¶12. Another problem reported by the press involved the MOL's lack of translators. Workers asked the Ministry to recruit translators to help with disputes between employers and employees. They said the absence of foreign language speakers at the Labor Relations Department violates their rights because the workers, who often speak neither Arabic nor English, are often unable to present their cases. On March 2, Labor officials said they would appoint a team of translators to assist with dispute resolution.

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OCCUPATIONAL SAFETY  
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¶13. The media reported that the construction sector is the largest violator of occupational safety conditions in the UAE. Official sources reported that 60 percent of all labor injuries occurred in the construction sector. In one case, nine construction workers were killed and two were injured on April 12 in Sharjah when the arm of a crane fell from the 16th floor of a high-rise building under construction and landed on their vehicle. The cause of the crane's arm coming off its mooring is under investigation, and the public prosecutor is also conducting an investigation to determine if charges should be filed. This tragedy follows a similar incident only a week earlier, when one person was killed in Abu Dhabi after a 130-meter crane collapsed across the road.

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GOVERNMENT DECISIONS  
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¶14. The MOL stated that its decision four months ago to restrict the inflow of illiterate workers by mandating high school certificates for all expatriate workers has resulted in a favorable reshuffling of the labor market. The number of illiterate workers and others with less than a secondary school education decreased by 19%. However, the MOL decided in February to exempt five categories: workers in contracting, sewage, water facilities, electricity, oil and gas pipes.

¶15. The MOL announced its plan to launch an E-Registration system on May 1 to ensure a smooth and efficient procedure for submitting bank guarantees for employment visas.

¶16. On March 8, "Al Ittihad" newspaper announced that the MOL banned employee recruitment companies from acting as sponsors of imported employees or from practicing any other kind of business activities that use such workers, in an effort to organize the labor market and control the ongoing illegal practice of "trading in visas." Visa trading occurs when foreign workers pay large fees, often thousands of dollars, to UAE sponsors in return for employment visas. Often, the employers do not provide the workers with jobs, so they are left to find employment on their own, often illegally, after arrival. The sponsors sometimes report the employees as absconders once they have collected their fees, adding to the workers' legal difficulties. Although the MOL has increased the number of inspectors over the past year to avoid issuing work permits to fictitious companies, there still aren't enough to properly inspect the huge number of businesses nationwide. Banning recruitment agencies from sponsoring employees or "farming them out" to their own businesses instead of acting strictly as recruitment brokers also helps to avoid the illegal but common practice of recruiters demanding commissions or regular fees from the imported workers, under threat of canceling their visas. By law, only employers can be charged recruitment fees.

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ILLEGAL WORKERS  
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¶17. Illegal immigration and illegal workers continued to pose problems for the UAEG. The Department of Residence and Naturalization, in cooperation with the Abu Dhabi Police,

implemented several "inspection campaigns" against illegal workers and residents in March. The majority of those arrested were women. According to the MOL, many of these women entered UAE on visit visas from emirates other than Abu Dhabi, then moved to Abu Dhabi to work in a number of occupations, including prostitution. Officials said that these campaigns would continue in Abu Dhabi.

18. Immigration officials said that retinal scans and fingerprints taken during the 2003 amnesty are helping to stop workers from returning to the UAE before the end of their ban. Lengths of the ban are six months to one year for those who had resident visas at one time, and a lifetime ban on those who stayed illegally with no documents. Although some have obtained new sponsors, they are still not eligible to return before the end of the ban and are turned away at the port of entry. Officials at the MOI's Department of Naturalization and Residency warned workers that, even if they are issued new employment visas before the end of the ban, they will not be allowed to enter the UAE until they spend the full amount of time outside the country. According to media reports, many potential illegal immigrants are trying to enter the country on new visas issued from emirates other than the one from where they were deported. Others are trying to enter with false documents using different names. However, retinal scans and fingerprints taken before their departure are effectively preventing their return. To add to their problems, those who are caught and deported again will face another one-year ban, beginning from the date of the second deportation.

ALBRIGHT